THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8818 OF 1996

Dated 21st February 2006

Between:

Aumpajalapu Gangalamma W/o.late Appala Raju.

…Petitioner

And

The Revenue Divisional Officer, Peddapuram,

East Godavari District & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 8818 OF 1996

O R D E R:

This writ petition is filed against an order, dated 8.4.1996, passed by the Land Reforms Tribunal, Peddapuram, (for short "the Tribunal"), under Section 10(4) of the Andhra Pradesh Land Reforms (Ceiling of Agricultural Holdings) Act, 1973 (for short "the Act").

The husband of the petitioner filed a declaration before the Tribunal, in respect of the lands held by him. Initially, it was held that he has to surrender lands to an extent of 1.4973 Standard Holdings. On appeal, it was revised to 0.4821 Standard Holdings. Several proceedings ensued in relation to the declaration, thereafter. The husband of the petitioner died, while the proceedings were pending before this Court, in C.R.P.No.1464 of 1982. At one stage, the Tribunal passed an order under Section 10(4) of the Act, on 7.11.1995. The sons of the petitioner filed W.P.No.26885

of 1995, before this Court. The writ petition was allowed on 1.12.1995, and the impugned order was set aside, directing the Tribunal to issue notice to the legal representatives of the deceased declarant.

Petitioner states that she was issued a notice, dated 4.1.1996, under Section 10(2) of the Act, and she submitted her objections on 8.3.1996. Her grievance is that the impugned order was passed, without considering her explanation.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

Though several contentions, touching on merits, are urged on behalf of the petitioner, this court is not inclined to deal with the same. The reason is that the impugned order is appealable, before the Appellate Tribunal. The petitioner did not state, as to how she can avail the remedy of writ petition, without exhausting the remedy of appeal. Further, the scope for interference in writ petitions is very limited, and the appellate authority would be in a better position to examine the matter, from various angles.

Directing the petitioner to avail the remedy of appeal, 10 years after the writ petition was filed, may look somewhat abnormal. However, it must be observed that the very implementation of the Act is shrouded in several abnormalities. Whatever may have been the justification at the time, when the Act was brought about, with the passage of time, the very philosophy underlying it has changed. On the one hand, the Government is pursuing the policies of the Globalisation and inviting foreign investments, to the tune of billions of dollars, and on the other hand, native citizens are hounded, on the ground that they held few cents or acres of land, in excess of limit, which was fixed several decades ago. This, however, is a larger issue. The petitioner cannot be deprived of her land, contrary to law.

While admitting the writ petition, this Court granted interim stay. Hence, the writ petition is disposed of, leaving it open to the petitioner, to avail the remedy of appeal. If the appeal is presented within four weeks from today, it shall be entertained, without raising any objection as to limitation. *Status quo,* obtaining as on today shall be maintained, till the disposal of the appeal by the Tribunal. There shall be no order as to costs.

21st February 2006

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